

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL JERRY BEEBE,

Plaintiff,

v.

Case No. 08-14995

Honorable David M. Lawson

THOMAS BIRKETT, TIM BEAVERS,  
WILLIE O. SMITH, GERRY WYMA,  
and DAVE BURNETT,

Defendants.

\_\_\_\_\_ /

**ORDER DENYING APPLICATION FOR APPOINTMENT OF COUNSEL**

This matter is before the Court on the *pro se* plaintiff's request for appointment of counsel. In his application, the plaintiff states that he is unable secure his own counsel and that the case involves issues that are too complex for a litigant without counsel and, therefore, he should have counsel appointed for him.

“‘[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.’” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)); *see also Hoggard v. Purkett*, 29 F.3d 469, 471 (8th Cir. 1994) (“In exercising its discretion, the district court should consider the legal complexity of the case, the factual complexity of the case, and the [plaintiff's] ability to investigate and present his claims, along with any other relevant factors.”).

In this case, the interests of justice do not require appointment of counsel at this time. If, however, the Court determines that counsel should be appointed for the plaintiff in the future, the Court may revisit the plaintiff's request.

Accordingly, it is **ORDERED** that the plaintiff's application for appointment of counsel [dkt

# 3] is **DENIED**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: December 4, 2008

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 4, 2008.

s/Susan K. Pinkowski  
SUSAN K. PINKOWSKI